

106TH CONGRESS
2D SESSION

H. R. 4590

To amend the Immigration and Nationality Act to establish special procedures for the filing and consideration of asylum applications by alien children who are unaccompanied by a parent or guardian and for the detention of such alien children unaccompanied by a parent or guardian.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2000

Mr. GUTIERREZ (for himself, Mr. BACA, Mr. GONZALEZ, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, and Ms. ROYBAL-ALLARD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to establish special procedures for the filing and consideration of asylum applications by alien children who are unaccompanied by a parent or guardian and for the detention of such alien children unaccompanied by a parent or guardian.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Young Immigrant Pro-
5 tection Act of 2000”.

1 **SEC. 2. SPECIAL ASYLUM PROCEDURES FOR ALIEN CHIL-**
2 **DREN UNACCOMPANIED BY A PARENT OR**
3 **GUARDIAN.**

4 Section 208(d) of the Immigration and Nationality
5 Act is amended by adding at the end the following new
6 paragraph:

7 “(8) SPECIAL PROCEDURES FOR ALIEN CHIL-
8 DREN UNACCOMPANIED BY A PARENT OR GUARD-
9 IAN.—

10 “(A) IN GENERAL.—

11 “(i) APPLICATION OF SPECIAL PROCE-
12 DURES.—Consistent with the provisions of
13 this paragraph and the guidelines for chil-
14 dren asylum claims as published on De-
15 cember 10, 1998, by the Office of Inter-
16 national Affairs of the Service, the Attor-
17 ney General shall establish, by regulation,
18 special procedures for the filing and con-
19 sideration of asylum applications by alien
20 children unaccompanied by a parent or
21 guardian and the detention of such chil-
22 dren during the asylum process.

23 (ii) EXCEPTION IF CHILD IS UNDER 12
24 AND PARENT OBJECTS.—Except under
25 special circumstances, as determined by
26 the Attorney General on a case by case

1 basis, an application for asylum of an alien
2 child who has not attained the age of 12,
3 and who is unaccompanied by a parent or
4 guardian, may not be filed or considered if
5 a parent of the child notifies the Service of
6 his or her objection to such an application.
7 Except under special circumstances, as de-
8 termined by the Attorney General on a
9 case by case basis, the guardian may not
10 initiate any legal action on behalf of any
11 unaccompanied child who is in detention if
12 the parent of the child notifies the Service
13 of his or her objection to that action.

14 “(B) APPOINTMENT OF GUARDIAN AD
15 LITEM.—During any period of detention by the
16 Service of more than 7 days or the filing and
17 processing of a claim for asylum, procedures
18 shall ensure the appointment of a guardian ad
19 litem to represent the interest of the unaccom-
20 panied alien child. The guardian ad litem may
21 not be an employee of the Service. All appro-
22 priate efforts shall be made to ensure the ap-
23 pointment of a guardian ad litem who is fluent
24 in the native language and culture of the child.

1 “(C) APPOINTMENT OF LEGAL COUN-
2 SEL.—During any period of detention by the
3 Service or the filing and processing of a claim
4 for asylum, the Service shall ensure that an un-
5 accompanied alien child is provided with ade-
6 quate legal counsel and, if necessary, such
7 counsel shall be appointed by the Service.

8 “(D) SPECIAL DETENTION PROVISIONS.—
9 Unaccompanied alien children may not be de-
10 tained in adult detention facilities, or adult or
11 juvenile correctional facilities. The Attorney
12 General shall through contract or otherwise
13 provide for the detention of such children
14 through custodial arrangements with State
15 child welfare agencies, where possible, or
16 through other private nonprofit group home fa-
17 cilities and foster care placements.

18 “(E) TRANSLATION SERVICES.—During
19 any period of detention by the Service or the fil-
20 ing and processing of a claim for asylum, trans-
21 lation services in the native language of the
22 child shall be provided whenever necessary to
23 ensure that an unaccompanied alien child is
24 adequately informed of his or her legal rights
25 and is able to participate in decisions regarding

1 the asylum process, including issues involving
2 detention.

3 “(F) PERIODIC REPORTING.—Not less
4 often than every 30 days, the Service shall pro-
5 vide written notice of a child’s detention status
6 and the status of any asylum or other immigra-
7 tion proceedings involving an unaccompanied
8 alien child to the legal counsel and the guardian
9 ad litem.”.

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